

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kenji NISHI

Application No.: 09/856,051

Filed: May 17, 2001

For: EXPOSURE METHOD AND DEVICE

Group Art Unit: 2851

Examiner: K. Brown

Docket No.: 109526

#8/B
3/28/02
afp

PRELIMINARY AMENDMENT AND RESPONSE TO
RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D. C. 20231

Sir:

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In response to the telephonic Restriction Requirement received March 21, 2002 from Examiner Brown, and prior to examination on the merits, please amend the above-identified application as follows:

IN THE CLAIMS:

Please amend claim 99 as follows:

99. (Amended) The exposure method according to claim 97 wherein an optical path within the illumination system containing the optical member having the driving mechanism which is a source of vibration is substantially sealed, and a gas which is transmissive with respect to the exposure beam is supplied to the illumination system.

REMARKS

Claims 51-100 are pending. In this response, claim 99 has been amended to correct its dependency error. No new matter has been added.

I. RESTRICTION REQUIREMENT

In reply to the telephonic Restriction Requirement received March 21, 2002 from Examiner Brown, Applicant provisionally elects Group I, claims 54-56, 59-65, 72-85, 87-96 and 100, with traverse.

It is respectfully submitted that the subject matter of all claims 51-100 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

In view of the foregoing remarks, Applicant respectfully submits that all claims should be examined.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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MAC:RZE/dmw

Attachment:
Appendix

Date: March 25, 2002

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